

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

22-MC-352 (JMF)

APPLICATION OF BONSENS.ORG

ORDER
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JESSE M. FURMAN, United States District Judge:

On December 13, 2022, Applicant BonSens.org (“BonSens”) filed an application pursuant to 28 U.S.C. § 1782 for an order compelling discovery for use in a foreign proceeding (the “Application”). See ECF No. 1. In response to this Court’s December 14, 2022 Order requiring that BonSens file a letter motion seeking leave to proceed *ex parte* or serve both Respondent SpF and the party against whom the requested discovery is likely to be used, Pfizer Inc., see ECF No. 8, BonSens filed a letter motion on December 19, 2022, seeking *ex parte* review of BonSen’s application. See ECF No. 10.

BonSens is correct that it would be well within the Court’s authority to address the Application *ex parte*. But the Court sees no need to do so in this case. BonSen’s asserts that, without *ex parte* review “there is a grave danger that the evidence sought here may be destroyed during the pendency of the instant application,” *see id.*, but it provides no basis for that assertion.


This matter is not a mine-run Section 1782 application, and the Court would be aided by further briefing. Accordingly, consistent with the Court’s prior Order, Applicant shall serve on Respondent SpF a copy of the Application and supporting papers, together with a copy of this Order, no later than **December 23, 2022**, and file proof of such service on the docket. In addition, Applicant shall serve those same papers on Pfizer Inc. — the party against whom the requested discovery is likely to be used — by the same date, also filing proof of service on the docket. See *Application of Sarrio, S.A.*, 119 F.3d 143, 148 (“[T]he ultimate targets of a § 1782 discovery order issued to third parties have standing to challenge the district court’s power to issue a subpoena under the terms of an authorizing statute.” (internal quotation marks omitted)). Respondent SpF and Pfizer Inc. shall file any opposition to this Application no later than **three weeks from the date on which they are served**. Applicant’s reply, if any, shall be due **one week from the date upon which the opposition is filed**.

If the parties believe that a conference would be helpful, either before or after the matter is fully briefed, they shall so advise the Court by letter.

The Clerk of Court is directed to terminate ECF No. 10.

SO ORDERED.

Dated: December 20, 2022
New York, New York



JESSE M. FURMAN
United States District Judge